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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,988	07/09/2003	Juergen Fahrenbach	080408.52436US	9239
23911	7590	03/09/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				NGUYEN, JIMMY T
		ART UNIT		PAPER NUMBER
		3725		
DATE MAILED: 03/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/614,988	FAHRENBACH, JUERGEN
Examiner	Art Unit	
Jimmy T Nguyen	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 7/9/03.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 7/9/03 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/9/03</u> .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**device configured to supply at least one of a not-required energy quantity**” (claim 18, line 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The specification is objected to under 37 CFR 1.71 as not clearly describing the subject matter. Regarding paragraph 30, the specification discloses that the flywheel 33 has displaceable flywheel masses 39 that can be displaced hydraulically and/or pneumatically and/or electrically. It is unclear how the masses are being displaced hydraulically and/or pneumatically and/or electrically and how the masses are being displaced in the flywheel in order to change the rotational speed of the flywheel 33.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See discussion in the objection to the specification above regarding the displacement of the flywheel masses.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 18, line 3, it is unclear what structural inter-relationship exists between another flywheel and other elements (i.e. the shaft, the flywheel,..) of the press.

Regarding claim 18, line 4, there is insufficient antecedent basis for the limitation “the power supply network” in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Narita (US 6,474,227).** Narita discloses several presses (100A and 100B), wherein a shaft drive (102) of each press and a respective flywheel (104) of each press are mutually synchronized. The shaft drive (102) of each press acting upon a respective main shaft (108) (see fig. 1).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-7, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Langenstein & Schemann (hereinafter “LS”) (DE4421527).**

Regarding claims 1 and 6, LS discloses a press comprising a flywheel (13), and a shaft drive (19) acting upon a main shaft (7), wherein the shaft drive and the flywheel are mutually synchronized (see abstract).

Regarding claim 2, the flywheel is connectable via the shaft with accessory devices (see fig. 1) of the press.

Regarding claims 3 and 5, the flywheel is selectively coupleable to and uncoupleable (via coupling element (18)) from the shaft.

Regarding claims 4 and 18, the press inherently comprises a power supply network to provide power to operate the press, the shaft further comprises a brake (see abstract), which is inherently feed a not-required energy back into a power supply network when braking the shaft.

Regarding claim 7, the flywheel is arranged to be driven by a separate flywheel drive (9).

Regarding claim 17, the press further comprises a program (see fig. 1) connectable with the press for simulating a forming process.

**Claims 1, 10-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sapolsky (US 3,557,686).**

Regarding claim 1, Sapolsky discloses a press system comprising at least one flywheel (12), and at least one shaft drive (22) acting upon a shaft (23), wherein the at least one shaft drive and the at least one flywheel are mutually synchronized (col. 1, lines 26-33).

Regarding claim 10, Sapolsky discloses a device configured to monitor rotational speed of the at least one flywheel (col. 1, lines 54-56).

Regarding claim 11, Sapolsky discloses a device configured to monitor rotational acceleration of the at least one flywheel (col.3, lines 5-29).

Regarding claim 12, Sapolsky discloses a timing device (col. 3, lines 64-74).

Regarding claims 13-16, Sapolsky discloses a self learning unit (20) comprising a device configured to analyze required energy and a device configured to predict required energy (col. 2, line 64 –col. 4, line 6).

Regarding claim 20, at least one shaft drive (22) has a device configured to monitor rotational speed (col. 2, lines 64-73).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 8, as best as can be understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Langenstein & Schemann (hereinafter “LS”) (DE4421527), in view of Sudau (US 6,244,134).** LS discloses the invention substantially as claimed as set forth above. LS discloses the press having the flywheel. LS does not disclose that the flywheel having displaceable flywheel masses. However, the patent to Sudau teaches a drive system comprises a flywheel (5, 11) having displaceable masses (19) arranged in the flywheel (fig. 2). Sudau teaches this construction of the masses in the flywheel in order to response to a change in the rotation speed of the flywheel (col. 2, lines 42-47). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to provide LS's flywheel with a displaceable masses, as taught by Sudau, in order to response to a change in the rotation speed of the flywheel.

**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langenstein & Schemann (hereinafter "LS") (DE4421527), in view of Swenson, Sr. (US 5,259,269).** LS discloses the invention substantially as claimed as set forth above. LS discloses the press having the flywheel. LS does not disclose that the flywheel includes a device for compensating an unbalanced mass. However, the patent to Swenson teaches a drive system having a flywheel (13) comprises a device (W) welded to the flywheel to compensate for an unbalanced mass (col. 3, lines 39-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide LS's flywheel with a weight device, as taught by Swenson, in order to compensate for an unbalanced mass.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant pressing device having flywheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
March 03, 2005



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